BOARD OF AUCTIONEERS MINUTES

Legislative Office Building Room 307, Concord, NH July 13, 2009 9:00 a.m.

The Board of Auctioneers convened at 9:00 a.m. with Chairperson Richard C. Berman, Vice-Chairperson Jay T. St. Jean, Secretary Ashton E Welch, Member Devin E. Moisan and Member Frank L. Eaton present.

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The Board on motion of Ashton E Welch, seconded by Jay T. St. Jean, accepted the minutes of the June 5, 2009 meeting.

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The Board took a brief recess to meet with Counsel.

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A Motion to Continue was submitted by Attorney David Jordan, who represented the Respondent Frank A. Beliveau, to which the State's prosecutor Frank L. Eaton did not object.

After discussion, a motion was made by Ashton E. Welch, seconded by Devin E. Moisan, to **deny** the Motion to Continue.

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A settlement agreement which was agreed upon by both parties was brought forward.

After discussion the Board on motion of Ashton E Welch, seconded by Jay T. St. Jean voted to **deny** approval of the settlement agreement and commence the hearing process.

Also after discussion the Complainants' prosecutor Frank L. Eaton, withdrew the agreement to the settlement agreement.

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The Board took a brief recess to meet with Counsel.

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After returning to Public Session, Board member Ashton E. Welch recused himself due to medical reasons.

At the start of the hearing, a motion by Jay T. St. Jean, seconded by Devin E. Moisan was made to consolidate the four cases to one hearing. Attorney David Jordan suggested that the trial be consolidated; however the four separate cases would have four separate decisions. The Board agreed.

Each of the complainants: Donald Gagnon, John Parker, Kenneth Christian, and Patrick Griffin, were sworn in by the hearing officer, and each questioned individually by both the State's prosecutor and the Respondents Attorney.

The Board took a brief recess to meet with Counsel.

After returning to Public Session, the Board found violations in each case as follows:

- Gagnon vs. Beliveau Frank A. Beliveau was found in violation of RSA 311-B:11(c)
- Parker vs. Beliveau Frank A. Beliveau was found in violation of RSA 311-B:11(c)
- Christian vs. Beliveau Frank A. Beliveau was found in violation of RSA 311-B:11(c)
- Griffin vs. Beliveau Frank A. Beliveau was found in violation of RSA 311-B:11(c)

The Board took a brief recess to meet with Counsel.

After returning to Public Session, the Board postponed making sanctions for each case until the Boards Council returned. The Board went ahead with new business.

Applications:

John Crosby - on motion of Frank L. Eaton, seconded by Jay T. St. Jean, the Board voted to **table** the application and requests that the applicant provide a copy of his Massachusetts license.

- Paul J. Doucette – on motion of Frank L. Eaton, seconded by Devin E. Moisan, the Board approved the application.

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The Board on motion of Frank L. Eaton, seconded by Jay T. St. Jean voted to go into non-public session.

ROLL CALL VOTE TO GET INTO NONPUBLIC SESSION TO DISCUSS MATTERS UNDER RSA 91-A, SPECIFICALLY, MATTERS WHICH WOULD LIKELY ADVERSELY AFFECT THE PRIVACY OF INDIVIDUALS AND OR MATTERS IN WHICH LITIGATION HAS BEEN THREATENED AGAINST THE BOARD.

Roll Call: Chairperson Richard Berman – yes, Vice-Chairperson Jay T. St. Jean – yes, Member Devin E. Moisan – yes, and Member Frank L. Eaton – yes.

On Motion of Frank L. Eaton, seconded by Jay T. St. Jean, the Board voted to leave non-public session.

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After returning to Public Session, the Board on motion of Frank L. Eaton, seconded by Jay T. St. Jean, rejected the complaint of Golrick vs. Finn due to insufficient evidence which would likely merit a hearing.

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The Board took a brief recess

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After returning to Public Session the Board made sanctions as to the findings and violations of the cases heard today as follows:

- In the case of Griffin vs. Beliveau, the Board on motion of Devin E. Moisan, seconded by Jay T. St. Jean, voted to suspend the license of Frank A. Beliveau for a period of 5 years.
- In the case of Christian vs. Beliveau, the Board on motion of Jay T. St. Jean, seconded by Devin E. Moisan, voted to suspend the license of Frank A. Beliveau for a period of 5 years, to run concurrent with case #09-05.
- In the case of Parker vs. Beliveau, the Board on motion of Devin E. Moisan, seconded by Jay T. St. Jean, voted to suspend the license of Frank A. Beliveau for a period of 5 years to run concurrent with case #09-07.
- In the case of Gagnon vs. Beliveau, the Board on motion of Jay T. St. Jean, seconded by Devin E. Moisan, voted to revoke the license of Frank A. Beliveau.

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On motion of Jay T. St. Jean, seconded by Devin E. Moisan, the case of Newall vs. Beliveau was dismissed for failure to prosecute.

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The next scheduled monthly meeting will be held August 3, 2009 at the Legislative Office Building, Room 308, Concord, New Hampshire.

The Board on motion of Jay T. St. Jean seconded by Devin E. Moisan voted to adjourn the meeting.